IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5607 OF 2005

Bombay Leasing Co.pvt Ltd. .. Applicants
Vs
Gresoli (India) ltd & Ors. .. Respondents
None for the applicants.
Mr S.R.Shinde, APP for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 6th JUNE, 2006

P.C.:

1. None appears for the applicants. Heard Mr Shinde, learned APP for the respondents-State.

2. This is an application by the original complainants under section 378 of the Code of Criminal Procedure seeking leave to file appeal against the order of acquittal dated 29th June, 2006 of the offence punishable under section 138 read with section 141 of the Negotiable Instruments Act. I perused the judgment. The case set up by the complainant was that the five storage tanks were leased out to the accused by agreement dated 5.12.1995 for which Accused no.1 had issued two cheques of Rs.1,30,238/- each which on their presentation were dishonoured. Considering the defence and other material on record, the trial Court has recorded a categoric finding that there was no lease

agreement in force as claimed by the complainants and,

therefore, there was no legal or enforceable liability against the accused which is the basic requirement in law. Considering the reasons recorded by the Court below on appreciation of the evidence on record, the judgment of acquittal cannot be said to be unreasonable and perverse. The view taken by the trial Court is reasonably possible view. I, therefore, find no reason to grant leave to file appeal, as prayed for in the application. The criminal application is accordingly rejected.

(D.B.BHOSALE,J.)